

February 20, 1935.

Hon. G. W. Nelson,
State Senate,
Phoenix, Arizona.

My dear Senator:

I have examined Senate Bills 77 and 78 and pursuant to your request submit to you herewith my views upon the constitutionality of these two measures.

Senate Bill 78, insofar as its constitutionality is concerned, is no different, in my opinion, from a similar bill that was passed by the Kansas legislature, and the Supreme Court of Kansas held the same to be unconstitutional for the reason that it offended both the state and federal constitutions. Capital Gas and Electric Company vs. Boynton, 22 Pac. (2d) 958. In my opinion the reasoning in that case is applicable to Senate Bill 78 and, therefore, I believe that Senate Bill 78 is unconstitutional.

Senate Bill 77 appears to be practically the same as a minimum wage law which was passed for the District of Columbia. This law was tested in the Supreme Court of the United States and held to be unconstitutional because violative of the due process clause of the federal constitution. *Adkins vs. Children's Hospital*, 261 U. S. 525; 67 L. Ed 735. A former legislature attempted to pass a minimum wage law and on the authority of the case just cited the Supreme Court of the United States held the same unconstitutional. *Murphy vs. Sardell*, 269 U. S. 530; 70 L. Ed. 396. Upon the authorities herein cited, I am, therefore, of the opinion that Senate Bill 77 is unconstitutional.

Respectfully submitted,

Dudley W. Windes,
Special Assistant
Attorney General.

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